

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Billy Cepero,

Petitioner

V.

Brian Williams, et al.,

Respondents

2:14-cv-01397-JAD-PAL

Order

[ECF Nos. 26, 27]

I dismissed this action with prejudice because it was untimely, and I declined to issue a certificate of appealability.¹ Now petitioner Billy Cepero asks me to reconsider my dismissal,² and he moves for an extension of time to file a petition for a certificate of appealability.³ I deny the time-extension motion for two reasons: (1) Cepero has not yet filed a notice of appeal, and (2) I already declined to issue a certificate of appealability. If Cepero wants to appeal my decision, he needs to ask the court of appeals for a certificate of appealability, not me.

I also deny Cepero's motion for reconsideration because he has not demonstrated new evidence, fraud, or a mistake by the court. Cepero merely repeats the same arguments that I already considered and rejected. His contentions are more appropriate for appellate review than a motion for reconsideration.⁴

20 It is unclear whether Cepero is represented by counsel because Cepero filed his most
21 recent motions pro se. The court will send a copy of this order to Cepero at the address he has
22 given in another civil action.

¹ ECF No. 24.

² ECF No. 27.

³ ECF No. 26

²⁷ See *McCarthy v. Mayo*, 827 F.2d 1310, 1318 (9th Cir. 1987); see also *Plotkin v. Pacific Tel.*
²⁸ and *Tel. Co.*, 688 F.2d 1291, 1293 (9th Cir. 1982).

Accordingly, IT IS HEREBY ORDERED that Cepero's motion for extension of time
[ECF No. 26] is DENIED.

IT IS FURTHER ORDERED that Cepero's motion for reconsideration [ECF No. 27] is
DENIED.

**The Clerk of Court is directed to MAIL a copy of this order to Billy Cepero, #94730,
Ely State Prison, PO Box 1989, Ely, NV 89301.**

DATED: November 13, 2017.

Jennifer A. Dorsey
United States District Judge